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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT PAPER NUMBER

2179

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,447

Applicant(s)

THOMAS ET AL.

Examiner

X L Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005 and 15 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 23-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-18 and 23-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-12, 14-18, and 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chiu et al* (US 6,452,615 B1) and *deVries et al* (US 6,332,144 B1).

Claims 1 and 31:

Chiu discloses a notetaking system that uses digital video and ink as references and notes. The system uses video feeds, bookmarking, and indexing material. The invention includes indexing of notes and video feed via the use of thumbnails, timestamps, and background snaps (abstract; col. 1, lines 7-20; col. 2, lines 57-61).

Chiu's system includes providing video content that includes video frames and reviewing the video (col. 2, lines 3-6, 64-67; col. 4, lines 36-46; col. 5, lines 57-61; col. 6, lines 35-42); sending a bookmark during review of the video (col. 2, lines 64-67; col. 3, lines 1-11, 31-40); identifying a characteristic feature on the selected frame and recording the information on a storage medium (abstract; col. 5, lines 21-24; col. 6, lines 50-67; col. 7, lines 1-13; col. 8, lines 1-22); identifying a segment of the video containing the selected frame, the segment having a segment starting point and a segment endpoint and storing at least a portion of the segment (col. 5, lines 57-61; col. 6, lines 35-42; col. 8, lines 26-32, 50-53). Chiu teaches a notetaking device that allows a user to capture stills from media streams, make annotations (bookmarking), and reference important events for later playback (segmenting=breaking up into several sections or segments). That is, the video is segmented when the user annotates the video, so that the annotated frames can be replayed later (abstract; col. 2, lines 56-67; col. 3, lines 1-20).

Chiu does not teach defining a segment of the video containing the selected frame by identifying segment starting point and segment endpoint boundaries. However, deVries discloses a technique for annotating media. DeVries teaches that items of audio or video media can be annotated by identifying the particular time or times within the period defined by the start and end times of a media stream forming

an item of media. The time identified corresponds to the time at which content within the media stream corresponds to an annotation value, which is associated with the identified time to annotate the media (abstract; col. 1, lines 7-20, 59-67; col. 2, lines 1-4, 11-23, 37-39; col. 14, lines 31-52; col. 16, lines 42-49. Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Chiu to include deVries's teaching of identifying starting point and endpoint boundaries because users are enabled to retrieve a desired section of an audio or video media to view at any moment and gain selective access from a specific index point to any type of data.

Claims 2 and 12:

See claim 1. Chiu teaches that characteristic features of the frame are obtained from a frame signature created using the visual, audio or text properties of the frame (col. 1, lines 21-34; col. 3, lines 1-40, col. 4, lines 36-51).

Claims 4 and 14:

Chiu teaches timestamp as a characteristic feature of the frame (col. 1, lines 12-15; col. 3, lines 31-34, 49-52; col. 4, lines 44-46).

Claims 5 and 15:

Chiu teaches that a starting point and endpoint of the segment is based on detecting meaningful changes of information in the audio and visual portion of the

video before and after the selected frame (col. 3, lines 4-8, 34-36; col. 5, lines 13-20; col. 7, lines 14-30).

Claims 6 and 16:

See claim 1. Chiu teaches that NoteLook system includes automatic note-taking using slide change detection. The video containing the presentation material is analyzed to determine when slide changes occur (col. 5, lines 13-20; col. 7, lines 14-30); and color changes (col. 7, lines 14-30). The NoteLook client is an audio and audio note-taking application that has video window and video handling capabilities (col. 5, lines 42-44).

Claims 7 and 17:

Chiu teaches that the segment is stored on the same medium as the video (col. 6, lines 50-54, 63-66; col. 8, lines 1-32; col. 9, lines 17-28).

Claims 8, 9 and 18:

See claim 1. Chiu teaches that a predefined length of the video from the segment start point is stored (col. 5, lines 13-20; col. 6, lines 16-18, 23-27).

Claims 10 and 25:

See claim 1. Chiu teaches that the stored segment contains a frame of the segment (col. 4, lines 36-46; col. 5, lines 21-28).

Claim 11:

See claim 1. Chiu teaches that the video source can be captured from a VCR or any video stream attached to the computer (col. 3, lines 41-45; col. 4, lines 56-60; col. 5, lines 8-12, 34-35, 57-58; col. 7, lines 3-6).

Claims 23 and 32:

See claim 1. Chiu teaches that the user may store, browse and retrieve the segment of the video having the selected frame (col. 5, lines 57-61; col. 6, lines 35-42; col. 8, lines 26-32, 50-53).

Claim 24 and 28:

Chiu teaches that the videos may be stored locally or separately by the server onto the network and can be randomly accessed. The video may be transmitted to the NoteLook clients by the NoteLook server over a wireless network (fig. 8; col. 6, lines 50-66). Chiu teaches a storage mechanism that stores the notefile, captured images and indexed annotations on a remote server for subsequent retrieval during playback (col. 9, lines 25-28).

Claim 26:

Chiu teaches that the bookmarks may be accessed by mobile communication devices via a wireless connection (col. 3, lines 40-57; col. 4, lines 47-60; col. 5, lines 1-12; col. 6, lines 55-60).

Claim 27:

Chiu teaches that the bookmarks may be stored at multiple levels, shared and accessed by different individuals (fig. 8; col. 3, lines 31-40; col. 4, 31-36; col. 6, lines 50-66; col. 9, lines 25-28).

Claim 29:

See claim 1. Chiu teaches an index that is linked and allows access only to the segment, which is stored in another location (col. 7, lines 49-54; col. 8, lines 39-53).

Claim 30:

See claim 2. See further, Chiu: fig. 8; col. 6, lines 50-66; col. 9, lines 25-28.

4. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chiu/deVries* and *Brewer et al* (US 6,285,361 B1).

Claims 3 and 13:

Chiu/deVries does not teach that a characteristic feature of the frame is its frame number. However, Brewer discloses a method for clipping video segments from an audiovisual file having multiple video frames. Brewer's method includes selecting a mark-in location that defines the beginning of the clipped segment, and a mark-out location defining the end of the clipped segment (abstract; col. 1, lines 43-50; col. 3, lines 30-67; col. 4, lines 1-27). Brewer teaches the frame number as a characteristic

feature (col. 5, lines 18-67; col. 15, lines 22-38). Therefore, it would have been obvious to modify Chiu/deVries's notetaking system to include Brewer teaching of using the frame number as a characteristic feature because it is an easy, quick and effective way to identify a frame.

Conclusion

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach:

Lamming (US 5,535,063) discloses a note-taking system for enabling selective access to data. Lamming teaches that audio/video streams are continuously time-stamped during recording. To play a section (segment having start and end point) of recording back, the user selects part of the note and invokes a playback selection command so that the user sees what was recorded at the time the marks were made on the video (abstract; col. 1, lines 7-10; col. 2, lines 1-48).

Seaman et al (US 5,414,644) discloses a method for storing and retrieving textual and time based graphic information (still and motion images) regarding repetitive behavioral activities recorded on a viewable media. Seaman teaches a set of

controls having an in-button for allowing the entry of the identity of the start of a selected video sequence, and an out-button, for allowing the entry of the identity of the end of the video sequence. The system has the ability to cross-reference material between any information or media source so that it creates a unique research tool. A researcher can set video bookmarks to return to, or have the potential of choosing, sections of the audio/video record an grabbing or storing it, and playing it at the same time that another audio/video record is being displayed (col. 6, lines 60-68; col. 7, lines 1-10; col. 8, lines 35-44; col. 12, lines 4-8).

Snook (US 6,400,378 B1) discloses a home movie editor having a user interface and control mechanism that enables users to edit video; the editor scans in video clips as thumbnails and displays the thumbnails in the clip window of the display. Users can drag and drop clips into the edit window which visually depicts a sequence of edited clips showing the sequence of thumbnails. The clip insertion function is simplified by the insertion pointer that points to the clip boundary closest to the location of the cursor (abstract; col. 1, lines 19-48; col. 2, lines 62-67; col. 3, lines 1-8).

Rodriguez et al (US 2002/0007485 A1) discloses a television system and method for providing a television service enhancement. The system has a VOD service enhancement selection screen provided to a user after selecting a rental period

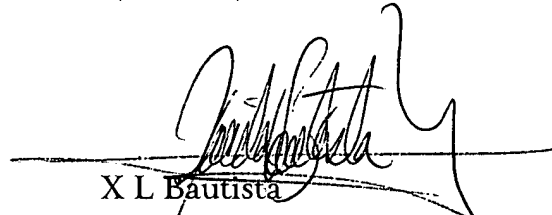
via rental period selection screen. The screen includes option 73, which is for receiving functionality enabling a user to bookmark a scene in a VOD presentation so that the user may later easily view the bookmarked scene (segment having starting point and endpoint boundaries), (abstract; page 6, pg. 0052).

Marcus (US 2002/0092019 A1) discloses a method for creation, distribution, assembly and verification of media. Marcus teaches that a source of media performs a tagging operation to associate sets of tags with elements of the stream of media; and tagging of media stream performed at the receiver (abstract; page 17; pg. 0262; page 18, pg. 0263).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (757) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista
Primary Examiner
Art Unit 2179

xlb
31 March 2005